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09/614,937	07/11/2000	Jeffrey Jovan Philyaw	PHLY-25,356	2472
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HOWISON & ARNOTT, L.L.P. P.O. BOX 741715 DALLAS, TX 75374-1715			EXAMINER KANG, PAUL H	
			ART UNIT	PAPER NUMBER
			2144	
			NOTIFICATION DATE	DELIVERY MODE
			10/02/2008	ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

[patents@dalpat.com](mailto:patents@dalpat.com)

### Office Action Summary

**Application No.**

09/614,937

**Applicant(s)**

PHILYAW, JEFFREY JOVAN

**Examiner**

Paul H. Kang

**Art Unit**

2144

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 18-33 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-33 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/C)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_
- Paper No(s)/Mail Date \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-12, 16-18, 19-30, and 33, 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al. (U.S. Patent Number 5,978,773), hereinafter referred to as Hudetz, in view of Nelson (U.S. Patent Number 6,297,727) and further in view of Russell et al. (U.S. Patent Number 5,905,248), hereinafter referred to as Russell.**

3. Regarding claim 1, Hudetz disclosed a method of displaying a web page to a user who has in close association therewith a portable triggering device having a unique code stored therein (Figures 6 and 7, column 8 lines 17-20) comprising the steps of retrieving location information associated with the unique code from a database, the location information corresponding to a location of the web page on a remote location disposed on the network (Figure 4, column 9 lines 59-62, column 11 lines 33-60); in response to retrieving the location information, connecting the activation system to the remote location (column 11 lines 28-37); and presenting the web page corresponding to the

location information of the remote location to the user (Figure 6, column 9 lines 54-62).

Hudetz taught the invention substantially as claimed. However, Hudetz did not expressly disclose a method when the portable triggering device is within a predetermined proximity of an activation system (within range), the activation system causing the unique code from the triggering device to be extracted therefrom, the activation system interfaced with a network and physically separates from the triggering device.

Hudetz suggested exploration of art and/or provided a reason to modify the method with the portable triggering device feature (Figure 8, column 6 lines 28-33, column 7 lines 17-28, column 12 lines 11-21).

In an analogous art, Nelson disclosed a method of providing a portable triggering device having a unique code stored therein (Abstract, column 3 lines 10-13, column 5 lines 42-50) and when the portable triggering device is within a predetermined proximity of an activation system (within range), the activation system causing the unique code from the triggering device to be extracted therefrom (column 1 lines 40-47, lines 56-61, column 3 lines 10-13, column 6 lines 8-25), the activation system interfaced with a network and physically separates from the triggering device (column 3 lines 10-13, column 11 lines 9-12).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the known method of Hudetz with the known techniques of Nelson to include the portable triggering device in order to offer users a more automatic method in obtaining the identification code using the interrogator unit and the triggering device (Nelson, column 6 lines 8-21) in order to provide the predictable result to allow users to

access published locations without having to manually enter the published address through input devices (Hudetz, column 2 lines 53-55).

The combination of Hudetz and Nelson taught the invention substantially as claimed. However, the combination of Hudetz and Nelson did not teach in response to retrieving the location information, *automatically* connecting the activation system to the remote location.

Hudetz suggested exploration of art and/or provided a reason to modify the method with the automatic connection with the remote location (column 2 lines 52-67).

Russell disclosed a method wherein in response to retrieving the location information, *automatically* connecting the activation system to the remote location (Title, Abstract, column 2 lines 46-67, column 3 lines 1-26).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the combined method of Hudetz and Nelson with the known teachings of Russell to include the automatic connection feature for the predictable result of allowing users to access published locations automatically without manual inputs (Hudetz, column 2 lines 52-67).

4. Regarding claim 2, Nelson disclosed a method wherein the triggering device in the step of providing is a portable wireless passive transponder (Figure 1 a sign 22, Figure 3 sign 34, column 1 lines 40-47, column 5 lines 42-47, column 7 lines 1-5).

5. Regarding claim 3, Nelson disclosed a method wherein the passive transponder has the unique code stored therein in a non-volatile memory (Abstract, column 3 lines 10-13,

column 5 lines 42-47, column 1 lines 56-61, column 12 lines 4-13).

6. Regarding claim 4, Hudetz disclosed a method wherein the unique code in the step of providing is uniquely associated with the web page (Figure 4, column 9 lines 54-62).

7. Regarding claim 5, Nelson disclosed a method wherein the triggering device further includes a unique transponder identification code stored therein, the unique transponder identification code being exclusively associated with that triggering device (column 5 lines 59-66, column 6 lines 9-25).

8. Regarding claim 6, Nelson disclosed a method wherein the step of causing further includes causing the unique transponder identification code to be extracted from the triggering device with the activation system (column 6 lines 9-25, column 5 lines 59-66, lines 39-54).

9. Regarding claim 7, Nelson disclosed a method wherein the step of retrieving location information further comprises the step of matching the unique code and the unique transponder identification code with the location information of the database (column 3 lines 1-5, column 5 lines 59-66, column 11 lines 48-55).

10. Regarding claim 8, Nelson disclosed a method wherein the activation system in the step of extracting comprises a transmitter and a receiver each operatively connected to a interrogator unit [computer], the transmitter for activating the triggering device with an

activating signal, and the receiver for receiving a triggering signal having the unique code contained therein (Figure 3, column 6 lines 13-23, lines 39-54).

11. Regarding claim 9, Nelson disclosed a method wherein the step of retrieving location information further comprises the step of matching the unique code with the location information of the database (column 9 lines 42-45, column 10 lines 29-36, lines 3-10).

12. Regarding claim 10, Hudetz disclosed a method wherein the database in the step of retrieving is local to the activation system (column 7 lines 51-57).

13. Regarding claim 11, Hudetz disclosed a method wherein the database in the step of retrieving is located at an intermediary location on the network (Figure 1 sign 60, Figure 4, column 7 lines 43-51).

14. Regarding claim 12, Hudetz disclosed a method wherein the step of retrieving location information from the intermediary location further comprises the step of appending to the unique code routing information which defines the location of the intermediary location on the network such that the unique code is transmitted to the intermediary location in accordance with the appended routing information (column 11 lines 28-37).

15. Regarding claim 16, Hudetz disclosed a method wherein the step of connecting is performed using a browser program (Figure 6, column 1 lines 46-52, column 10 lines 55-

67).

16. Regarding claim 18, Hudetz disclosed a method wherein the step of presenting comprises displaying the web page to the user via display operatively connected to the activation system (Figure 6, column 9 lines 54-62).

17. Regarding claims 19-30, 33, and 35, the apparatus corresponds directly to the method of claims 1-12 and 16-18, and thus these claims are rejected using the same rationale.

18. Since all the limitations of the claimed invention were disclosed by the combination of Hudetz, Nelson, and Russell, claims 1-12, 16, 18, 19-30, 33, and 35 are rejected.

**19. Claims 13-15 and 31-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al. (U.S. Patent Number 5,978,773), hereinafter referred to as Hudetz, in view of Nelson (U.S. Patent Number 6,297,727), in view of Russell et al. (U.S. Patent Number 5,905,248), hereinafter referred to as Russell as applied above, and further in view Wellner (U.S. Patent Number 5,640,193).**

20. Regarding claim 13, Hudetz disclosed a method of displaying a web page to a user (Figure 6, column 8 lines 17-20) comprising the steps of retrieving location information associated with the unique code from a database, the location information corresponding to a location of the web page on a remote location disposed on the network (Figure 4, column 9 lines



59-62, column 11 lines 33-60); in response to retrieving the location information, connecting the activation system to the remote location (column 11 lines 28-37); and presenting the web page corresponding to the location information of the remote location to the user via the activation system (Figure 6, column 9 lines 54-62). Nelson disclosed a method of providing a portable triggering device having a unique code stored therein (Abstract, column 3 lines 10-13, column 5 lines 42-50) and extracting the unique code from the triggering device with an activation system when the portable triggering device is proximate to the activation system (column 1 lines 40-47, lines 56-61, column 3 lines 10-13, column 6 lines 8-25), the activation system disposed on a network and physically separates from the triggering device (column 3 lines 10-13, column 11 lines 9-12). Russell disclosed a method wherein in response to retrieving the location information, *automatically* connecting the activation system to the remote location (Title, Abstract, column 2 lines 46-67, column 3 lines 1-26).

The combination of Hudetz, Nelson, and Russell did not disclose a method wherein the activation system in the step of causing further includes a unique interface identification code associated with the activation system. However, in an analogous art, Wellner disclosed a method wherein the activation system in the step of extracting further includes a unique interface identification code associated with the activation system (Abstract, column 1 lines 36-42, column 7 lines 3-10).

It would have been obvious to one of ordinary skill in the art at the time of the in was made to modify the combined teachings of Hudetz and Nelson with the teachings of Wellner to include a unique interface identification code in order to allow a user to control the selection of electronic services to be provided to the user by one or more servers over a

communication medium (Wellner, column 1 lines 33-36) because this enables the selected electronic service transmitted from the servers to be received by the user's receiver (Wellner, column 1 lines 42-44).

21. Regarding claim 14, Wellner disclosed a method wherein the step of retrieving location information further comprises the step of appending the unique interface identification code to the unique code and transmitting it to the database (column 1 lines 36-42, column 5 lines 46-55).

22. Regarding claim 15, Wellner disclosed a method wherein the step of retrieving location information further comprises the step of matching the unique code and the unique interface identification code with the location information of the database (column 1 lines 36-42, column 4 lines 46-52). Hudetz also disclosed this matching step at column 8 lines 47-53).

23. Regarding claims 31-32, the apparatus corresponds directly to the method of claims 13-15, and thus these claims are rejected using the same rationale.

24. Since all the limitations of the claimed invention were disclosed by the combination of Hudetz, Nelson, Russell, and Wellner, claims 13-15 and 31-32 are rejected.

**25. Claims 1-4, 8, 9, 10-11, 16, 18-22, 24, 26, 28-29, 33, and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Buckley, et al. (U.S. Patent Number**

**6,446,871), hereinafter referred to as Buckley in view of Schmitt et (U.S. Patent Number 5,903,225), hereinafter referred to as Schmitt.**

36. Regarding claims 1 and 19, Buckley disclosed a method and an apparatus for displaying a web page to a user who has in close association therewith a portable triggering device having a unique code stored therein (Figure 9) comprising: a portable device of a user having a unique code stored therein (Figure 1, column 4 lines 49-61, column 5 lines 49-61); and an activation system disposed on a network for extracting the unique code from said device, said activation system physically separate from said device (column 4 lines 49-61, column 5 lines 49-61, column 8 lines 60-column 9 line 7, column 10 lines 32-39); wherein location information associated with said unique code is retrieved from a database, said location information correspond to a location of the web page on a remote location disposed on said network (column 4 lines 62-column 5 lines 8, column 8 lines 60-column 9 line 7); wherein in response to said location information being retrieved from said database, said activation system is automatically connected to said remote location (column 3 lines 31-41, column 8 lines 60-column 9 line 7); wherein the corresponding web page of said remote location is presented to the user via said activation system (Figure 9, column 8 lines 60-column 9 line 7, column 12 lines 5-14).

Berkley taught the invention substantially as claimed; however, Berkley did not expressly disclose a portable *triggering* device having a unique code stored therein and extracting the unique code from the triggering device with an activation system *when the portable triggering device is proximate to the activation system*.

Berkley suggested exploration of art and/or provided a reason to modify the method

and apparatus with other features such as wireless and portable triggering device (column 4 lines 56-61, column 5 lines 49-55, column 11 lines 27-37, column 12 lines 52-58).

In an analogous art, Schmitt disclosed a portable triggering device [passive transponder] of a user having a unique code stored therein (Abstract, Figure 14, column 2 lines 51-60), which is activated when the portable triggering device is within a predetermined proximity (within range) to the activation system (Schmitt, column 3 lines 7-18, lines 53-57, column 12 lines 47-59, column 13 lines 3-15, column 14 lines 26-36).

It would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify the method and apparatus of Berkley with the teachings of Schmitt to include a portable triggering device of a user having a unique code stored therein in order to eliminate the cumbersome scanner because the triggering device would communicate with the activation system automatically when the user is in contact with the activation system (Schmitt, column 12 lines 4-55). In addition, the portable triggering device would prevent the users through the inconvenience of locating and manipulating the reader or scanner system (Schmitt, column 2 line 61-column 3 line 3).

26. Regarding claims 2 and 20, Schmitt disclosed a method and an apparatus wherein the triggering device is a portable wireless passive transponder (Abstract, column 3 lines 7-11, lines 53-57).

27. Regarding claims 3 and 21, Schmitt disclosed a method and an apparatus wherein said passive transponder has said unique code stored therein in a non-volatile memory

(column 3 lines 14-17, lines 22-26, column 12 lines 11-14, lines 25-33).

28. Regarding claims 4 and 22, Buckley disclosed a method and an apparatus wherein said unique code is uniquely associated with the webpage (column 8 lines 60-column 9 lines 7).

29. Regarding claims 8 and 24, Schmitt disclosed a method and an apparatus wherein said activation system comprises a transmitter and a receiver each operatively connected to a computer, said transmitter for activating said triggering device with an activating signal, and said receiver for receiving a triggering signal having said unique code contained therein (Figure 14, column 2 lines 51-60, column 3 lines 7-14).

30. Regarding claims 9 and 26, Buckley disclosed a method and an apparatus wherein said unique code is matched with said location information of said database (column 2 lines 45-52, column 5 lines 3-15, column 7 lines 39-49).

31. Regarding claims 10 and 28, Buckley disclosed a method and an apparatus wherein said database is local to said activation system (Figure 7 sign 90, column 4 line 62-column 5 line 8).

32. Regarding claims 11 and 29, Buckley disclosed an apparatus wherein said database is located at an intermediary location on said network (column 4 line 62-column 5 line 8, column

8 lines 60-column 9 lines 7).

33. Regarding claims 16 and 33, Buckley disclosed a method and an apparatus wherein said activation is connected to said remote location using a browser program (Figures 4, 5, 9, column 11 lines 18-27, column 12 lines 5-14).

34. Regarding claims 18 and 35, Buckley disclosed a method and an apparatus wherein the webpage is presented to the user via a video display operatively connected to said activation system (Figures 4, 5, 9, column 11 lines 18-27).

35. Since all the limitations of the claimed invention were disclosed by the combination of Buckley and Schmitt, claims 1-4, 8, 9, 10-11, 16, 18-22, 24, 26, 28-29, 33, and 35 are rejected.

### ***Response to Arguments***

36. Applicant's arguments filed August 15, 2008 have been fully considered but they are not persuasive. The applicants argued in substance that the examiner's construction of the triggering device was the scanner, which conflicted with the BPAI's construction of the triggering device as the bar code itself. As is clear from the rejection set forth above, the "portable triggering device" is deemed to be the bar code or the like. The "activation system" is deemed to be the a device for causing extraction of the unique code from the portable triggering device, i.e. barcode reader, or the like.

*Conclusion*

37. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H. Kang whose telephone number is (571) 272-3882. The examiner can normally be reached on IFP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Vaughn can be reached on (571) 272-3922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Paul H Kang/  
Primary Examiner  
Art Unit 2144